

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BAZAN et al.

For: **MAMMALIAN CYTOKINES;
RELATED REAGENTS AND
METHODS**

Application No.: 10/601,105

Filed: 06/20/2003

Examiner: Z. Skelding

Group Art Unit: 1649

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SUPPLEMENTAL DECLARATION OF ANDREJ SALI, PH.D.

UNDER 37 C.F.R. § 1.132

I, Andrej Sali, Ph.D., hereby declare that:

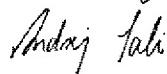
1. I am the same Andrej Sali who previously submitted a Declaration in connection with the prosecution of U.S. Patent Application No. 09/963,347, which was filed with the United States Patent and Trademark Office during the prosecution of the above-identified patent application.
2. I have reviewed the following documents in the course of preparing this Supplemental Declaration:
 - i. The Patent Office Communication dated October 10, 2007.
3. In my previous declaration, I stated that "I was asked to review the '318 provisional application to determine if a person of skill in the art at the time that application was filed would have considered the statement relating to the ability of IL-B50 to stimulate or inhibit T cells and B cells to be credible." ¶ 5. In reading that statement, I was referring to the following sentence from the '318 provisional application at p. 9, lines 9-13:

It is likely that IL-B50 has either stimulatory or inhibitory effects of hematopoietic cells, including, e.g.

lymphoid cells, such as T-cells, B-cells, natural killer (NK) cells, macrophages, dendritic cells, hematopoietic progenitors, etc.

4. In view of the statistically significant similarity between the protein sequences of IL-B50 and IL-7, the similarity between the predicted secondary structures of IL-7 and IL-B50, the higher similarity in known functionally important regions of IL-7 and IL-B50 compared to the rest of the sequences, and the conserved short functional sequence motifs, all of which were disclosed in my previous declaration, I would have believed that IL-B50 would have had functions similar to functions known to be associated with IL-7, including in particular the specific function of stimulating T cells and B cells.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such will false statements may jeopardize the validity of the patent application or any patent issuing thereon.



12/2/07

Andrej Sali, Ph.D.

Date